

ZMO LAW PLLC

March 18, 2021

Via ECF and email

Hon. Loretta A. Preska
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

RE: *USA v. Jaime Rosario*, 19 Cr. 807 (LAP)

Dear Judge Preska:

This office represents Jamie Rosario in the above-captioned matter. We write, on consent, to request permission to file a memorandum of law longer than 20 pages as part of our pretrial motions, which are due on Friday, March 19, 2021. We anticipate the memorandum will be 35 pages or less, including a table of contents and table of authorities. I have communicated with AUSA Daniel Nessim and he advises that the government has no objection to this request.

In our pretrial motions we intend to request: (1) severance from co-defendant Jeanluc Joiles due to improper joinder under Fed. R. Crim. P. 8(b); (2) severance from Mr. Joiles due to the risk of prejudice to Mr. Rosario from a joint trial; (3) suppression of all evidence recovered from Mr. Rosario's cellphone due to the government's failure to follow the terms of the warrant authorized on December 31, 2020; (4) in the alternative, suppression of all evidence recovered from Mr. Rosario's cellphone recovered pursuant to the warrant authorized on February 21, 2021, which relied upon improperly seized items.

The severance issues are factually complex, turning in part on the weak evidence supporting the conspiracy alleged against the two defendants which can only be understood through a comprehensive recitation of the facts of the case. To this end, we anticipate filing 9 exhibits as part of our motions.

In turn, the issues related to the cellphone search warrant are legally complex, requiring analysis of, among other issues, the technological capabilities of the government in executing cellphone search warrants, the reasonableness of the government's actions, the applicability of the good faith exception to suppression, and the applicability of the independent source doctrine.

ZMO LAW PLLC

As a result, we find we are unable to adequately brief the issues within the 20-page limit set forth in your honor's individual practices. We respectfully request permission to file a memorandum of law longer than 20 pages as part of the defense's pretrial motions.

Thank you for your attention to this case.

Very truly yours,

Tess M. Cohen

Tess M. Cohen

CC: AUSA Daniel Nessim (via ECF and email)

The underlined request above is GRANTED.

SO ORDERED.

Dated: March 18, 2021
New York, New York



LORETTA A. PRESKA, U.S.D.J.